

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harry M. O'Sullivan

Serial No : 09/835,464

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For : CELLULAR TELEPHONE DATA
COMMUNICATION SYSTEM AND
METHOD

Examiner:
Lele, T.

Group Art Unit:
2684

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.56 and 37 C.F.R. 1.97-1.99, it is requested that this Information Disclosure Statement be made of record in the above-identified application. A check in the amount of \$180 is attached herewith. If an additional fee is required, please call the undersigned so that any declaration and/or fee that is required may be promptly provided.

Attached hereto as Exhibit A is a listing of all inter-parties matters in which the parent patents on which this Reissue Application claims priority have been involved. Also listed in Exhibit A are other inter-parties matters involving other related patents and applications owned by the assignee of this application, MLR, LLC. All of the litigations involving the parent patent (4,697,281) and Reissues thereof (Re 34, 034 and Re 37,141) have been previously identified in prior IDS's filed in this divisional reissue application except for Handspring, Inc. v. MLR, LLC, Civil Action No. 03-CV-00325 SBA, U.S. District Court for the Northern District of California, Oakland Division. A copy of the complaint filed in that litigation is attached to this IDS as

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Exhibit C. The complaint involves a request for a declaration of invalidity of the '034 and '141 divisional reissues. As noted in the attached Exhibit A, this action by Handspring was dismissed by the parties when Handspring elected to take a license from MLR, LLC under the subject patents. Also attached as Exhibit B is a set of claim charts embodying certain allegations concerning the alleged invalidity of claim 26 of the Reissue 37,141 that were supplied to the assignee of this divisional reissue application by a party who had been notified of infringement of the '141 patent. Each of the references relied upon (Lineback, "Cellular Link is Step to Portable Office," Electronics, June 28, 1984; US Patent No. 4,654,867 to Labetz et al.; Krebs, J., "Portable Computer and Host Talk Over Radio-Frequency Link," Electronics, Aug. 25, 1983; and "Data Communications on Cellular-The Office of Tomorrow in your Car Today," What Telephone & Communications News, No. 14, Oct. 14, 1985) were previously identified in IDS documents submitted in the this application. Copies of the cited patent and articles have been submitted previously to the Examiner but additional copies are being submitted with this IDS for the convenience of the Examiner. Subsequent to receipt by MLR of the attached claims charts, the submitting party elected to take a license under the MLR patent portfolio.

As was recently brought to the Examiner's attention in a telephone discussion, an incorrect patent number appears in the 1449 list of references attached to the IDS submitted on December 10, 2002. In particular, the patent to Burke et al listed as "4,638,022" should have been listed as 4,637,022 and appears again on the attached 1449 to formally correct the record. A copy of the Burke et al patent is attached for the Examiner's convenience.

Respectfully submitted,

Date:

May 24, 2004

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EXHIBIT A

Spectrum Information Technologies, Inc. and Spectrum Cellular Corporation v. Data Race, Inc., Civil Action 3:92-CV-2187-H, U.S. District Court for the Northern District of Texas, Dallas Division, Consent Judgment of infringement and validity in Spectrum's favor

Data Race, Inc. v. Spectrum Information Technologies, Inc., U.S. District Court for the Northern District of Texas, dismissed in favor of Dallas litigation

Spectrum Information Technologies, Inc. v. Microcom, Inc., Civil Action No. 3:92-CV 2357, U.S. District Court for the Northern District of Texas, Dallas Division, Consent Judgment of infringement and validity in Spectrum's favor

Spectrum Information Technologies, Inc. v. Motorola, Inc., Civil Action No. 95-U-234-NE, U.S. District Court for the Northern District of Alabama, dismissed as a result of Agreement and cross license between Spectrum and Motorola

O'Sullivan (Spectrum) v. Morris (ITC), Interference No. 103,466, US PTO Board of Patent Appeals and Interferences, priority awarded to O'Sullivan (Spectrum)

Nagel et al. (Compaq) v. Sainton (Spectrum), Interference No. 103,916, US PTO Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office, priority awarded to Sainton (Spectrum)

Uddentfeldt (Ericsson) v. Sainton et al. (MLR, LLC), Interference No. 105,076, US PTO Board of Patent Appeals and Interferences, dismissed upon entry of adverse judgment against Uddentfeldt (Ericsson) awarding priority to Sainton et al. (MLR, LLC)

MLR v Nokia Corporation, Telefonaktiebolaget LM Ericsson, US Robotics, Sony-Ericsson Mobile Communications AB, Handspring, Toshiba, Samsung, Sierra Wireless, Kyocera (Japan), Civil Action No. 02 C 2898, U.S. District Court for the Northern District of Illinois, Eastern Division, dismissed as a result of all defendants agreeing to take licenses under MLR's patents except Kyocera (Japan)*.

*Kyocera (Japan) was dismissed for lack of jurisdiction without prejudice to MLR's right to bring suit against Kyocera (US).

Kyocera (USA) v. MLR, LLC, Civil Action No. 02 CV 0527 W (CGA), U.S. District Court for the Southern District of California, dismissed upon MLR's motion for lack of jurisdiction over MLR in California

Nokia Corp. et al. v. MLR, LLC, Civil Action No. 3:02cv02356K, U.S. District Court for the Northern District of Texas, Dallas Division, dismissed as a result of Nokia's Agreement to take a license under MLR's patents

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Handspring, Inc. v. MLR, LLC, Civil Action No. 03-CV-00325 SBA, U.S. District Court for the Northern District of California, Oakland Division, dismissed as a result of Agreement by Handspring to take a license under MLR's patents

In Re MLR, LLC, Patent Litigation, The Judicial Panel On Multidistrict Litigation, Docket No. 1525, authorized coordinated and consolidated pretrial proceedings in the US District Court for the Northern District of Illinois

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EXHIBIT B

Attached is a set of claim charts containing allegations by a third party indicating how prior art identified in the claim charts responds to the limitations contained in claim 26 of Re 37,141.

USP Re 37,141	ELEMENT	(1) Lineback article from 'Electronics report'
26	<p>—A cellular computer data transmission interface device</p> <p>—for allowing a portable computer having</p> <p>—a conventional data output terminal to operate a mobile cellular telephone having</p> <p>—a cellular transceiver linked via radio signals to a cellular system in response to</p> <p>—bus-compatible control signals generated by a control unit in response to direct operator input and supplied to the cellular transceiver over</p> <p>—a bus directly connected to the control unit and the cellular transceiver, comprising:</p>	<p>Figure 'Moving data' The Bridge</p> <p>Computer</p> <p>RS-232.</p> <p>Transceiver</p> <p>Modified IEEE-488 Bus. <i>Any signal on the modified IEEE-488 bus can be assumed as bus-compatible signal</i></p> <p>Modified IEEE-488 Bus.</p>
	(a) receiving means for receiving instructions from the portable computer,	Port in Figure 'Moving data'
	<p>(b) processing means connected with said receiving means for interpreting the instructions received from the portable computer</p> <p>—and for generating cellular transceiver control signals in response to said portable computer generated instructions,</p>	<p>CPU in Figure 'Moving data'</p> <p>Modem</p>
	<p>(c) transmitting means connected with said processing means for receiving said cellular transceiver control signals,</p> <p>—generating bus-compatible signals from said control signals, and for transmitting said bus compatible signals to the</p> <p>—bus through a connection between the transmitting means and the bus to cause the</p> <p>—cellular transceiver</p> <p>—to place a cellular telephone network call.</p>	<p>Computer and Port in Figure 'Moving data'</p> <p>Modified IEEE-488 bus compatible signals</p> <p>Modified IEEE-488 bus</p> <p>Transceiver (ex. Oki)</p> <p>The Bridge will also automatically adjust itself to handle transmissions from standard modems and communications software. <i>Communications software inherently provides the call placement function.</i></p>

USP Re 37,141	ELEMENT	(3) Labedz - US 4,654,867
26	<p>—A cellular computer data transmission interface device</p> <p>—for allowing a portable computer having a conventional data output terminal to operate a mobile cellular telephone having</p> <p>—a cellular transceiver linked via radio signals to a cellular system in response to</p> <p>—bus-compatible control signals generated by a control unit in response to direct operator input and supplied to the cellular transceiver over</p> <p>—a bus directly connected to the control unit and the cellular transceiver, comprising:</p>	<p>Fig.8 CSE 208 (Cellular Subscriber Equipment)</p> <p>[9:2] Data Terminal Equipment 801, which can be any data generating/receiving equipment, is preferably connected to an RS 232 interface 803 which is commonly known in the art</p> <p>Fig.8 Transceiver 809</p> <p>Fig.8 <i>control signals on the bus between System Data processor 805 and Transceiver 809</i></p> <p>Fig.8 <i>a bus between System Data processor 805 and Radio Signalling Interface 809 Or a bus between Radio Signalling Interface 809 and System Data processor 805</i></p>
	(a) receiving means for receiving instructions from the portable computer,	[9:4] RS 232 Interface 803
	<p>(b) processing means connected with said receiving means for interpreting the instructions received from the portable computer</p> <p>—and for generating cellular transceiver control signals in response to said portable computer generated instructions,</p>	<p>Fig.8 System Data Processor 805</p> <p>[9:3] Data terminal equipment 801</p> <p>[9:2] Data terminal equipment 801, which can be any data generating equipment</p> <p>[C9:L14] The NRZ data stream (<i>cellular transceiver control signals</i>) is presented to the radio signaling interface 807</p>
	<p>(c) transmitting means connected with said processing means for receiving said cellular transceiver control signals,</p> <p>—generating bus-compatible signals from said control signals, and for transmitting said bus compatible signals to the</p> <p>—bus through a connection between the transmitting means and the bus to cause the</p> <p>—cellular transceiver</p> <p>to place a cellular telephone network call.</p>	<p>Fig.8 Radio signaling interface 807</p> <p>[C9:L14] By Radio signaling interface 807, the NRZ data stream is converted to a Manchester format (bus-compatible signals) compatible with radio transmission.</p> <p>Fig.8 <i>Bus between Radio signaling interface 807 and the bus</i></p> <p>[9:19] Transceiver 809, which may be a conventional cellular transceiver</p> <p>[2:22] Many telephone subscribers connect data communications devices, such as a</p>

USP Re 37,141	ELEMENT	(3) Labedz – US 4,654,867
		<p>personal computer to the telephone system via a modem.</p> <p>[2:30] It would be natural to connect a computing device via a modem to a radiotelephone subscriber unit for communication with another data generating device.</p> <p>[9:30] When the CSE(mobile phone) is instructed by the user...</p> <p>[9:42] Whenever a CSE is commanded to enter the data mode...</p>

USP Re 37,141	ELEMENT	(4) Jay Krebs article from 'Electronics'
26	<p>—A cellular computer data transmission interface device</p> <p>—for allowing a portable computer having</p> <p>—a conventional data output terminal to operate a mobile cellular telephone having</p> <p>—a cellular transceiver linked via radio signals to a cellular system in response to</p> <p>—bus-compatible control signals generated by a control unit in response to direct operator input and supplied to the cellular transceiver over</p> <p>—a bus directly connected to the control unit and the cellular transceiver, comprising:</p>	<p>The portable data-communications <i>system</i> was designed to provide wide-area rf coverage (<i>cellular</i>) for a large number of users.</p> <p>...is designed to interface directly with existing computer installations</p> <p>The system logic module features a parallel interface port</p> <p>By incorporating both radio-frequency modem...</p> <p>Signals on 8 bit data bus 6801-type communications processor</p> <p>8 bit data bus</p>
	(a) receiving means for receiving instructions from the portable computer,	Dual-port memory and buffer
	<p>(b) processing means connected with said receiving means for interpreting the instructions received from the portable computer</p> <p>—and for generating cellular transceiver control signals in response to said portable computer generated instructions,</p>	<p>6801-type supervisory processor</p> <p><i>6801-type supervisory processor inherently generates control signals</i></p>
	<p>(c) transmitting means connected with said processing means for receiving said cellular transceiver control signals,</p> <p>—generating bus-compatible signals from said control signals, and for transmitting said bus compatible signals to the</p> <p>—bus through a connection between the transmitting means and the bus to cause the</p> <p>—cellular transceiver</p> <p>to place a cellular telephone network call.</p>	<p>Dual-port memory. The buses of the system logic module and the communications module are different.</p> <p><i>signals generated by dual-port memory are bus-compatible</i></p> <p>bus between 6801-type communications processor and rf modem</p> <p>rf modem</p> <p>Messages that are initiated from the portable terminal are transmitted by a single inbound 810 Mhz radio channel.</p> <p><i>This portable data terminal was designed to provide the use of rf reuses.</i></p>

USP Re 37,141	ELEMENT	(4) Jay Krebs article from 'Electronics'
		<p><i>Also the software system for the portable terminal contains a number of features. Therefore, the call placement function is inherently implemented in this portable data terminal.</i></p>

USP Re 37,141	ELEMENT	(5) 'Cellular Radio' article
26	<p>—A cellular computer data transmission interface device</p> <p>—for allowing a portable computer having</p> <p>—a conventional data output terminal to operate a mobile cellular telephone having</p> <p>—a cellular transceiver linked via radio signals to a cellular system in response to</p> <p>—bus-compatible control signals generated by a control unit in response to direct operator input and supplied to the cellular transceiver over</p> <p>—a bus directly connected to the control unit and the cellular transceiver, comprising:</p>	<p>Data communications on cellular</p> <p>The portable computers were connected to the cellular network via the Transam MI modem</p> <p>The portable computer, the cellphone</p> <p>The cellphone</p> <p>The cellphone</p> <p>The cellphone</p>
	(a) receiving means for receiving instructions from the portable computer,	
	<p>(b) processing means connected with said receiving means for interpreting the instructions received from the portable computer</p> <p>—and for generating cellular transceiver control signals in response to said portable computer generated instructions,</p>	
	<p>(c) transmitting means connected with said processing means for receiving said cellular transceiver control signals,</p> <p>—generating bus-compatible signals from said control signals, and for transmitting said bus compatible signals to the</p> <p>—bus through a connection between the transmitting means and the bus to cause the</p> <p>—cellular transceiver to place a cellular telephone network call.</p>	<p>When this modem is used with the Cellular system a call is usually placed with the handset left in the cradle.</p>

EXHIBIT C

Attached is the complaint filed in Handspring, Inc. v. MLR, LLC, Civil Action No. 03-CV-00325
SBA, U.S. District Court for the Northern District of California, Oakland Division